

REMARKS

Claims 1-6 and 9-20 are pending in this application. By this Amendment, claims 1, 9 and 10 are amended, claim 8 is canceled, and claims 15-20 are added. Support for the amendments can be found, for example, in original claim 8 and in the specification on page 30, line 22 to page 31, line 2; and page 31, lines 15-18; and from page 31, line 22 to page 32, line 16. No new matter is added.

I. Rejections under 35 U.S.C. §102(b)**Crowe**

The Office Action rejects claims 1, 2 and 14 under 35 U.S.C. §102(b) over U.S. Patent No. 3,122,142 to Crowe (herein "Crowe"). By this Amendment, the subject matter of non-rejected claim 8 is incorporated into independent claim 1, rendering the rejection moot. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Pigneul

The Office Action rejects claims 1, 8-10, 13 and 14 under 35 U.S.C. 102(b) over U.S. Patent No. 4,731,071 to Pigneul (herein "Pigneul"). By this Amendment, claim 8 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Pigneul discloses disposable absorbent padding for use as a complete diaper change for adults or babies having a sheet of cellulose (column 1, lines 4-8; and column 4, lines 33-35). However, the sheet extends only over layer 30 and does not possess a channel for moving aqueous liquid from the uppermost surface of the layer 30 to the outer layer 26 or half-layer 29. Thus, the sheet disclosed in Pigneul cannot be considered a by-pass channel member as claimed in claim 1. Further, the drainage canal 31 merely represents a space between layers 30 and 29. Therefore, the drainage canal cannot also be considered a by-pass channel member as claimed in claim 1.

For at least these reasons, claim 1 is not anticipated by Pigneul. Claims 9, 10, 13, and 14 variously depend from claim 1 and, thus, also are not anticipated by Pigneul. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Lindsay

The Office Action rejects claims 1, 2, 8-10, 13 and 14 under 35 U.S.C. §102(b) over WO 01/24750 to Lindsay et al. (herein "Lindsay"). By this Amendment, claim 8 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 requires a "by-pass channel member" and "at least a part of the by-pass channel member is composed of a non-woven sheet member, air gaps inside thereof function as the channel for moving the aqueous liquid." Despite its asserted teachings, Lindsay does not disclose such a feature.

Lindsay discloses an absorbent article with wicking barrier cuffs (Abstract). As previously acknowledged by the Examiner, Lindsay describes the utilized barrier material as a hydrophobic non-woven web (page 19, lines 12 to 13 of Lindsay). Further, Lindsay indicates that the wicking barrier can comprise any thin, flexible barrier material that reduces lateral wicking of fluid from one absorbent member to another, or from one portion of an absorbent member to another portion (page 19, line 10 to 12 of Lindsay). From the disclosure of Lindsay, it is apparent that the hydrophobic non-woven web used as the wicking barrier has a water-shedding surface and, thus, fluid cannot wick or permeate the hydrophobic non-woven web. Further, the hydrophobic non-woven web utilized as the wicking barrier of Lindsay does not have air gaps inside that function as a channel for moving aqueous liquid.

For at least these reasons, claim 1 is not anticipated by Lindsay. Claims 2, 9, 10, 13, and 14 variously depend from claim 1 and, thus, also are not anticipated by Lindsay. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

II. New Claims

By this Amendment, new claims 15-20 are presented. New claims 15-20 depend from claim 1 and, thus, distinguish over the applied references for at least the reasons discussed above with respect to claim 1. Prompt examination and allowance of new claims 15-20 are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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